

Message Text

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ACTION COA-02

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FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 4704

INFO CCGDSEVEN MIAMI FLA

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E. O. 11652: N/A

TAGS: CASC EFIS PBOR BF

SUBJ: RELEASE OF US FISHING VESSELS

1. FOUR OF THE SEVEN US FISHING VESSELS HELD BY THE GCOB IN THE AFTERMATH OF VARIOUS SEIZURE INCIDENTS OVER THE PAST SEVERAL MONTHS LEFT THE BAHAMAS ON SUNDAY, SEPTEMBER 30. REMAINING IN CUSTODY ARE THE KELLY LYNN AND THE GEORGE H IN NASSAU, AND THE WINONA IN FREEPORT.

2. EMBASSY EFFORTS TO OBTAIN THE RELEASE OF ALL THESE VESSELS HAVE FAILED TO DATE TO IDENTIFY CONSISTENT PROCEDURES FOR THE RELEASE OF FISHING VESSELS WHICH WE CAN SAY WITH ANY CERTAINTY WOULD APPLY IN ALL CASES.

3. THE FOUR VESSELS WHICH DEPARTED THE BAHAMAS ON SEPTEMBER 30 WERE RELEASED AFTER SEVERAL MONTHS OF DETENTION THROUGH THE COMBINED EFFORTS OF THE OWNERS AND THE EMBASSY CONSULAR OFFICERS WORKING PRIMARILY WITH THE MINISTRY OF DEVELOPMENT (AGRICULTURE AND FISHERIES DIVISION), AND THE BAHAMAS POLICE MARINE PATROL. THE OWNERS WERE INFORMED BY THE EMBASSY AFTER RECEIPT OF A NOTE FROM EXTERNAL AFFAIRS MINISTRY THAT THEY COULD HAVE

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THEIR VESSELS AT ANY TIME AFTER PAYMENT OF 19,000 DOLS FOR

TOWAGE AND DOCKING COSTS. THIS SUM WAS IN ADDITION TO THE TOTAL 70,000 DOLS IN INDIVIDUAL FINES ALREADY PAID BY THE CAPTAINS AND CREWS. THE TWO MONTH DELAY IN TAKING POSSESSION OF THE BOATS RESULTED FROM INDECISION ON THE PART OF THE OWNERS. AT FIRST THEY WERE NOT CERTAIN THEY WISHED TO PAY THE ADDITIONAL COSTS NECESSARY TO OBTAIN RELEASE AND HAD TO MEASURE THE TOTAL COSTS AGAINST THE VALUE THEY PLACED ON THEIR BOATS. ONCE IT WAS DECIDED THE BOATS WERE WORTH SALVAGING, THE OWNERS HAD TO DETERMINE WHETHER THEY WANTED TO REMOVE THEM FROM THE BAHAMAS FORTHWITH OR WAIT UPON COMPLETION OF CLAIM PROCEDURES FOR THE RATHER SUBSTANTIAL AMOUNT OF EQUIPMENT STOLEN FROM THE VESSELS DURING THE PERIOD OF DETENTION. IT WAS FINALLY AGREED THAT CLAIMS WOULD FURTHER DELAY THEIR BOATS' RELEASE WITH NO IMMEDIATE GAIN. (THE FOUR CAPTAINS MAY PETITION STATE, THE EMBASSY, OR THE GCOB OR ALL THREE FOR THEIR LOSSES IN THE NEAR FUTURE.)

4. THE LAST OBSTACLE TO THE RELEASE OF THESE FOUR BOATS WAS ONE OF WHICH THE DEPARTMENT SHOULD BE AWARE AND OF WHICH THE DEPARTMENT MAY WISH TO INFORM THE APPROPRIATE NATIONAL MARINE FISHERIES OFFICERS IN MIAMI FOR TRANSMITTAL TO THE FISHING COMMUNITY THERE. TWELVE OWNERS AND CREW MEMBERS ARRIVED IN THE BAHAMAS ON WEDNESDAY, SEPTEMBER 26 TO REPAIR THE VESSELS AND THEN SAIL THEM AWAY. SEVEN OF THE TWELVE WERE PERMANENT RESIDENT ALIENS WHO WERE IMPROPERLY DOCUMENTED TO ENTER BAHAMAS. THROUGH THE COOPERATION OF THE MINISTRY OF EXTERNAL AFFAIRS AND BAHAMAS IMMIGRATION, THE SEVEN RESIDENT ALIENS WERE PERMITTED LIMITED ENTRY INTO THE BAHAMAS UNTIL SUNDAY, SEPTEMBER 30 - A PERIOD DETERMINED BY THEIR OWN ESTIMATE OF THE TIME IT WAS GOING TO TAKE TO REPAIR THE VESSELS. IN SEEKING THE COOPERATION OF GCOB OFFICIALS, EMBASSY OFFICERS STRESSED THEY WERE NOT ASKING THE GCOB TO OVERLOOK IMMIGRATION REGULATIONS PERTAINING TO VISAS WHICH THE USG, WERE THE SITUATION REVERSED, WOULD NOT ITSELF BE PREPARED TO OVERLOOK. IT WAS AGREED, HOWEVER, THAT THE USG AND THE GCOB HAD A MUTUAL INTEREST IN RESOLVING THESE MATTERS AND PERMITTING THE ENTRY WITH THE UNDERSTANDING THAT THEY WOULD NOT LEAVE THE VICINITY OF THE BOATS. IN THE FUTURE, RESIDENT ALIENS IN SIMILAR CIRCUMSTANCES WILL BE EXPECTED TO BE PROPERLY DOCUMENTED FOR ENTRY INTO THE BAHAMAS.

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5. AT THE SAME TIME AS THE EMBASSY HAS BEEN ASSISTING THE OWNERS AND CREW OF THE FOUR VESSELS THAT HAVE LEFT NASSAU, IT HAS ALSO BEEN ATTEMPTING TO OBTAIN THE RELEASE OF THE KELLY LYNN, WHOSE OWNER HAD BEEN TOLD THAT ONCE THE CREW HAD PAID THEIR FINES FOR POACHING, THE VESSEL WOULD BE CLEARED FOR DEPARTURE. THIS SIMPLE PROCEDURE CLEARLY IS NOT BEING FOLLOWED, AS THE VESSEL IS STILL HERE AND IS AT PRESENT THE SUBJECT OF AN EXCHANGE BETWEEN THE MINISTRY OF DEVELOPMENT AND THE MINIS-

TRY OF EXTERNAL AFFAIRS.

6. IN ORDER TO EXPEDITE THE RELEASE OF THE KELLY LYNN AND TO OBTAIN AN AUTHORATIVE STATEMENT OF THE GCOB PROCEDURES FOR RELEASING VESSELS, THE DCM DISCUSSED THE PROBLEM WITH ORIS RUSSELL, PERMANENT SECRETARY (EXTERNAL AFFAIRS), ON THURSDAY, SEPTEMBER 27. RUSSELL STATED THAT ALL PRESENT AND FUTURE REQUESTS FOR RELEASE OF THE VESSELS SHOULD BE ADDRESSED TO THE MINISTRY OF EXTERNAL AFFAIRS. AS SOON AS INTERNAL GCOB PROCEDURES WERE COMPLETED, THE MINISTRY WOULD INFORM THE EMBASSY THAT THE VESSELS WERE READY FOR RELEASE TO THE OWNERS. HE SPECIFICALLY REQUESTED THAT THE EMBASSY NOT APPLY TO OTHER MINISTRIES OF THE GCOB AND THAT US OWNERS NOT BE ADVISED TO DO SO EITHER. HE REPORTED THAT THE MINISTRY ROUTINELY WOULD ADVISE THE EMBASSY WHEN THE PROCEDURES WERE COMPLETE AND SUGGESTED THAT IF THERE WERE REASONS FOR MAKING SPECIFIC INQUIRIES AS TO JUST WHEN THAT MIGHT BE, THOSE INQUIRIES SHOULD BE BY DIPLOMATIC NOTE FROM THE EMBASSY TO THE MINISTRY.

7. THIS IS THE FIRST TIME THE EMBASSY HAS BECOME AWARE OF THE GCOB'S PREFERENCE FOR A RATHER FORMAL PROCEDURE. AS WE WORK OUT THE REMAINING THREE CASES, WE HOPE TO IDENTIFY WAYS IN WHICH THIS PREFERRED PROCEDURE CAN BE MADE A QUICK ONE, OR TO OBTAIN CHANGES IN THE PROCEDURE AS IT BECOMES OBVIOUS THAT IT IS CUMBERSOME AND TIME-CONSUMING.

8. IT SHOULD BE KEPT IN MIND THAT THIS TYPE OF PROCEDURE IS DISTINCT FROM THAT APPLICABLE TO VESSELS INVOLVED IN NARCOTICS CASES. THAT LATTER PROCEDURE IS OUTLINED IN NASSAU 1035. SPIERS

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